

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39874 of 2023**

Arising Out of PS. Case No.-74 Year-2023 Thana- JAGDISHPUR District- Bhojpur

1. MANJU DEVI @ MANJU SINGH W/O RAJU SINGH R/O Village- Khadra, Post- Dawan, P.S- Jagdishpur, Distt.- Bhojpur.
2. Raju Singh @ Rajoo Yadav S/O Parwesh Yadav R/O Village- Khadra, Post- Dawan, P.S- Jagdishpur, Distt.- Bhojpur.
3. Ramjee Singh @ Ramjee Yadav S/O Butan Yadav R/O Village- Khadra, Post- Dawan, P.S- Jagdishpur, Distt.- Bhojpur.
4. Dinesh Singh @ Dinesh Yadav S/O Ramjee Yadav R/O Village- Khadra, Post- Dawan, P.S- Jagdishpur, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ashutosh Kumar, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      05-10-2023                      Heard Mr. Ashutosh Kumar, learned counsel for the petitioner and Mr. Nawal Kishore Prasad, learned A.P.P. for the State.

The petitioner apprehends his arrest in a connection with Jagdishpur P.S. Case No. 74 of 2023 registered for the offence under Sections 341, 323, 337, 354, 379, 504, 506, 307/34 of the Indian Penal Code.

The petitioners are alleged to have assaulted the informant and his family members by means of lathi and thrown bricks upon the head of the mother of informant



causing her deadly injury.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that on bare perusal of the F.I.R., it appears that there is no specific allegation of assault attributed to the petitioners rather general and omnibus allegation of assault is attributed to the accused persons including the petitioners that they have assaulted the informant and his family members by lathi and other accused persons thrown bricks from the roof causing head injury to the mother of the informant. He further submits that though the informant and her mother are stated to have sustained injury but the injury report suggest that they have got only one injury which is superficial in nature. No grievous injury is found on the person of the injured, therefore, no case under Section 307 is made out against the petitioners.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that the petitioners have assaulted the informant and his family members causing injury to him and his mother.

Considering the facts and circumstances of the



case, and the nature of injury, let the, above named, petitioners, in the event of his arrest or surrender before the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Bhojpur at Ara in connection with Jagdishpur P.S. Case No. 74 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her/their absence on two consecutive dates without sufficient reason, his/her/their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed



their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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